IN THE HIGH COURT OF PUNJAB & HARYANA CHANDIGARH

Criminal Revision No.375 OF 1995
Date of Decision: December 05, 2007

AVTAR SINGH AND OTHERS

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE A.N.JINDAL

Present: Mr. K.S.Sidhu, Sr. Advocate with
Mr. Vikrant Oberoi, Advocate.

Mr. Satish Bhanot, Sr. DAG, Punjab.

A.N.JINDAL, J

This revision petition is directed against the judgment dated 04.05.1995 passed by Additional Sessions Judge, Ludhiana dismissing the appeal of the petitioners against the judgment dated 30.08.1991 passed by Judicial Magistrate 1st Class Jagraon whereby the petitioners were convicted under Section 342, 506,467, 468, 382 IPC and sentenced as under:-

Accused Avtar Singh

Under Section 382 IPC	RI for two years. Fine amounting to Rs.500/- in default of payment of fine RI for two months more.
Under Section 342 IPC	RI for 6 months
Under Section 506 IPC	RI for two years
Under Section 467 IPC	RI for 2 ½ years and fine amounting to Rs.1000/- in default of payment of fine RI for a further period of three months.
Under Section 468 IPC	RI for two years and fine amounting to Rs.500/- in default of payment of fine RI for further period of two months

Accused Dhanna Singh and Lachhman Singh

Under Section 382/34 IPC	RI for two years. Fine amounting to Rs.500/- in default of payment of fine RI for two months more.
Under Section 342 IPC	RI for 6 months
Under Section 506 IPC	RI for two years
Under Section 467 IPC	RI for 2 ½ years and fine amounting to Rs.1000/- in default of payment of fine RI for a further period of three months more.
Under Section 468 IPC	RI for two years and fine amounting to Rs.500/- in default of payment of fine RI for further period of two months more

The allegations in nutshell against the petitioners are that Avtar Singh pressurised Gurdev Kaur and got executed 3 sale deeds. Two sale deeds in favour of Dhanna Singh and one sale deed in favour of Lachhman Singh. Both the petitioners have been tried and convicted by the trial court and the said judgment was also upheld in the appeal. Hence this petition.

Without assailing the judgment of conviction that Lachhman Singh and Dhanna Singh have already expired and they were actual beneficiaries of the sale deeds. The allegations against Avtar Singh petitioner are only that he had taken Gurdev Kaur for execution of the sale deeds.

Heard.

The occurrence allegedly took place on 21.06.1985. The sale deeds were executed on 25.06.1985. The actual beneficiaries have already expired. The petitioner has already suffered a lot due to the protracted proceedings and

he has also undergone about 2 years and 15 days of substantive sentence. The factors that he was not beneficiary to the sale deeds; the sale deeds have already been set aside by the Civil Court; the complainant has also compromised with the Kanwar Singh, the original owner of the land and the land under the sale deeds have already vested with the original owner contribute to the other mitigating circumstances which come to the aid of the petitioner to take lenient view in his favour.

Accordingly, this petition is dismissed with the modification in the sentence to that of already undergone without any alteration in the sentence of fine. Copy of the judgment be sent to the Chief Judicial Magistrate, Ludhiana for compliance.

(A.N.JINDAL)
JUDGE

December 05, 2007
Ruchika

To be referred to reporter: Yes/No